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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families
Twenty-fifth session

Summary record of the 328th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 30 August 2016, at 10 a.m.

Chair: Mr. Brillantes

Contents

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Honduras (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention (*continued*)

Initial report of Honduras (continued) (CMW/C/HND/1; CMW/C/HND/QPR/1)

1. *At the invitation of the Chairperson, the delegation of Honduras took places at the Committee table.*

2. **The Chair** invited the delegation to continue replying to the questions asked at the previous meeting.

3. **Ms. Medrano** (Honduras) said that 1,722, or 4 per cent, of the Honduran migrants repatriated from Mexico or the United States of America between January and August 2016 had attempted to emigrate again. They included minors and adults, some returned overland from Mexico and some deported by air from the United States. On the question of preventing the detention of child migrants, the position of Honduras was in accordance with article 37 of the Convention on the Rights of the Child, and the Government was in dialogue with the Government of the United States on the matter.

4. As to the impact of the Migrant Children Task Force, she said that, during the two years of its existence, the Office of the Deputy Minister for Consular and Migratory Affairs had been established, new consulates had been created in Mexico and the United States, consular staff had been trained and the budget for support of Hondurans abroad had been increased. There had also been campaigns to dissuade Hondurans from attempting irregular migration. To date in 2016, nearly 6,000 Hondurans had received legal aid, principally in Dallas and New Orleans in the United States; in Chiapas, Mexico; and in El Salvador. The Government had not yet conducted any evaluation of the impact of measures such as agreements with pro bono lawyers and training for consular staff, as those arrangements had not been in place long enough. The impact would seem to be positive, however, given the reduction in the number of complaints alleging that officials had failed to respond. The State intended to develop indicators for the evaluation of those measures.

5. Honduran consulates in the United States were working with the Colibrí Centre for Human Rights to identify human remains found at the border and to search for Honduran migrants who had gone missing en route to the United States. Arrangements were being made to obtain DNA from families for comparison with unidentified remains. The search process was triggered by an application to the Ministry of Foreign Affairs, either from a non-governmental organization (NGO) or a family. The application was forwarded to Honduran consulates in Mexico and the United States, and they carried out a search, in cooperation with the local authorities, in hospitals, migrant centres, prisons and morgues. If that search yielded nothing, the investigation continued. Assistance was enlisted from the Data Bank on Missing Migrants and the Argentine Forensic Anthropology Team, which helped by taking DNA samples; to date, 23 Hondurans who had died while migrating had been identified using those procedures.

6. Under the Victims Act of Mexico, Honduran consulates in that country were able to arrange for indemnification of families and repatriation of the remains of Hondurans who had died as a result of a crime. In one case 500,000 Mexican pesos had been awarded to the families of two such victims. Honduran consulates in Mexico had received 120 requests for humanitarian visas.

7. With regard to alternatives to repatriation for children and adolescents who claimed to be victims of violence, Honduran consulates worked with the Office of the United Nations High Commissioner for Refugees to obtain temporary residence permits; in Mexico such residence was authorized through the issuance of humanitarian visas, while in the

United States the procedure was one of permanent regularization. The number of children being returned to Honduras seemed to be going down: the figures for January to July 2016 were 12 per cent lower than those for the same period in 2015. It would appear that children who made it to the United States or Mexico were taking legal steps to obtain regular status and family reunification. In addition, since the implementation of the Southern Border Programme in Mexico, more children were remaining in Mexico and fewer were reaching the United States. Temporary protected status was granted in the United States only in exceptional circumstances; it was not open to all Hondurans. As of July 2016, that status had been renewed until 2018 for some 53,000 Hondurans.

8. The four main areas addressed by the investment programme of the Alliance for Prosperity in the Northern Triangle were development of human capital, boosting of the productive sector to create economic opportunities, citizen security and access to justice and institution-building in areas such as promotion and protection of human rights. Additional information on the budget and expected outcomes of the programme could be provided if the Committee so wished.

9. **Ms. Ancheta Castro** (Honduras) said that Honduras had a system for ensuring the safety of human rights defenders. Work was ongoing on procedures and manuals for the implementation of the system. The National Council for the Protection of Human Rights Defenders, which comprised various ministries and representatives of civil society, had received 38 requests for protection between July 2015 and June 2016, from various sources including the inter-American human rights system, not only for human rights defenders but also for journalists and justice workers. The National Congress had allocated 10 million lempiras in 2016 for the implementation of the Special Act on Protection of Human Rights Defenders, and implementing regulations for the Special Act had been adopted.

10. The Convention had been publicized by the officials of the 45 State institutions represented on the working group responsible for the State party's report. The National Migration Institute coordinated training with a human rights focus for institutions working with migrants. Training was also provided for law enforcement officials on due process with regard to deprivation of liberty and on the upholding of rights. With the support of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the International Organization for Migration, the Ministry of Foreign Affairs provided training to consular staff in Mexico and the United States on the human rights of migrants and vulnerable groups and on migrants' labour rights.

11. The agreement for the opening of an OHCHR country office, at the request of Honduras, demonstrated that the State was determined to fulfil its human rights obligations. The Government hoped to strengthen the country's human rights system with technical cooperation from OHCHR. Support had already been received for the strengthening of the human rights defender system, the reform of the Criminal Code and the launch of a system to follow up on human rights recommendations. The Government was working to strengthen participatory mechanisms for the preparation of human rights reports and follow-up to treaty bodies' concluding observations.

12. **Mr. Aguirre Córdova** (Honduras) said that the 2016-2022 action plan recently adopted by the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons aimed to combat sexual exploitation and human trafficking by applying a range of guiding principles designed, among other things, to safeguard the best interests of the child and protect confidentiality in proceedings, and to ensure prompt action, non-revictimization and non-discrimination. Migration within Honduras took the form of transit through the country, mainly by Africans, Cubans and Haitians. Even if migrants entered without documentation, they were permitted to stay for five days in order to regularize their situation. Strictly speaking, under the law they were liable to a fine, but for humanitarian reasons and in light of international human rights

obligations, including under the Convention, the State allowed them that latitude. Honduras had thus effectively become a humanitarian corridor, in which the treatment of migrants stood in stark contrast to the difficulties, and in some cases the atrocities, faced by Honduran migrants.

13. **Mr. Villanueva** (Honduras) said that Honduran seafarers under contract to foreign shipping companies enjoyed social security protection that was similar to that provided to self-employed workers in Honduras. In June 2016 the Ministry of Labour and Social Security had signed a special agreement on working conditions aboard ship with a Spanish company, covering initially 150 seafarers in a variety of jobs. The workers were covered by the Honduran social security system, supplemented by private insurance schemes, against illness, accidents and other risks, and were entitled to receive medical treatment during service.

14. Under the Constitution, all else being equal, Honduran employers were required to give preference to Honduran nationals in hiring. Workforces were required to comprise at least 90 per cent Honduran nationals, who should receive no less than 85 per cent of the company's total wage payments, although exceptions were possible under Honduran law. Labour inspectors checked employers' compliance with the quotas and also checked whether foreign workers had the required permits. If a migrant worker was found to be undocumented, the employer was given three days to correct the labour irregularities and comply with the regulations. Labour inspectors also ensured that working conditions and remuneration for both Honduran and foreign workers were in accordance with the law. In case of violations, foreign workers could file complaints with the Ministry of Human Rights, Justice, the Interior and Decentralization and the National Migration Institute.

15. **Mr. Carranza Discua** (Honduras) said that the Social Inclusion and Competitiveness Programme encouraged public-private partnerships to improve the employability of persons with disabilities. It brought together representatives of civil society, State institutions and organizations of persons with disabilities, as well as training specialists. The Prevention, Peace and Harmonious Social Relations Office, for which the Office of the Deputy Minister for Preventive Security acted as technical secretariat, coordinated strategies to prevent violence, femicide and trafficking. Seed capital and technical assistance were provided to women who had been victims of violence to enable them to start businesses. The Office also coordinated projects for children and youth, which thus far had benefited nearly 24,000 vulnerable young people. One such project, run in coordination with the Office of the First Lady and the United Nations Development Programme, aimed to promote a culture of peace and non-violence and to reintegrate returning migrants.

16. **Mr. El Borai** said that he would like clarification of the figure of 85 per cent cited by the delegation with reference to remuneration for foreign workers. If that figure referred to pay levels, then it would not be in compliance with the Convention or with International Labour Organization standards on equal pay for equal work.

17. **Mr. Ceriani Cernadas** (Country Rapporteur), noting that the Committee had received information indicating that the Honduran Army had been involved in an intervention involving migrants in 2014, asked what impact that action had had on the human rights of those affected. He also asked whether members of the armed forces continued to intervene in migration-related matters and, if so, what human rights training they received.

18. He would like to know whether families could lodge claims with the Office of the National Commissioner for Human Rights or the Public Prosecution Service concerning migrants who had disappeared or fallen victim to crime in Mexico or elsewhere. He would welcome information on any measures in place to strengthen the Office's independence in

order to enhance its capacity to protect migrant workers and their families. With regard to migrants held in detention centres, in the United States, he wondered if the approach and the steps taken by Honduran consulates varied depending on whether the centre was operated by the Government or by a private firm. He also wondered whether Hondurans who had been granted temporary protected status in the United States were obliged to repeatedly apply for renewal of their status or whether they were eventually able to obtain permanent residence.

19. He understood that overland repatriation from Mexico was not always carried out in accordance with that country's bilateral agreement with Honduras and would like to know whether the State party had taken action on that issue. The number of humanitarian visas granted to children and adolescents in Mexico seemed extremely low by comparison with the very high percentage of children who were repatriated and the number of children who had originally migrated to escape situations of violence in Honduras. As to children repatriated from Mexico, how did they get to the reception centre in San Pedro Sula and what then happened to them? Was an individual assessment carried out to determine their need for protection measures? He wondered whether the State party could provide statistics on the numbers of children who were repatriated to Honduras and subsequently met a violent death, for example at the hands of a gang.

20. It would be interesting to know whether the causes of migration were taken into account in the State's policy responses to broader issues. For example, given that discrimination could prompt migration, was migration addressed in the 2014-2022 National Policy on Racism and Discrimination against Indigenous and Afro-Honduran Peoples?

21. **Ms. Ladjel** (Country Rapporteur) said that she would like to know more about the role of State institutions in implementing legislation, coordinating the work of the various sectors and conducting studies to improve knowledge of migration-related issues. She wondered whether any evaluation had been done of the impact of the Inter-Agency Operational Agreement on the Management of Organized Temporary Labour Migration Programmes. The responsibility of families in child migration had to be acknowledged. The fact that children were often encouraged to leave on their own, sometimes in an atmosphere of fear and insecurity, hampered progress in the prevention of irregular migration. Were there any regulatory measures in place to address that issue? It was hard to understand why such migration should take place at all: was there no other way of making children's lives safer or protecting them, for example by placing them in shelters or reception centres? Lastly, she would like to know what support was provided to NGOs working in the field of migration. Their contribution was without doubt a complement to the State's own efforts.

22. **Ms. Dzumhur** asked whether the National Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons had been adopted and what steps the Government intended to take to ensure that it was fully implemented. She would also appreciate some information about the State party's policy on gender equality. Lastly, she wondered what had happened to prompt the downgrading of the national human rights institution from "A" to "B" status and how the State was acting on the recommendations that had been made during the review.

23. **Ms. Landázuri de Mora** asked where migrants in transit through Honduras could turn for help if they could not prove their nationality and had no consulate in the country to help them obtain identity documents. Persons who were forced to migrate or forcibly expelled frequently had great difficulty in reintegrating in their own country, a situation that drove many of them into the arms of organized crime, gangs or traffickers. It was important to address that issue in the dialogue with destination countries with a view to joint action. She would welcome the delegation's thoughts on that matter.

24. **Mr. Tall** said that he would welcome examples of the types of administrative sanctions that might be imposed on migration officials for abuse of authority or corruption. He also wished to know whether any investigations of complaints against migration officials were currently under way and whether any statistics could be provided on the number of complaints that had led to criminal proceedings.

25. According to paragraph 105 of the State party report, migrants in an irregular situation were not considered to be migrant workers, which was at odds with the definition of "migrant worker" in article 2 (1) of the Convention. In that connection, he wished to know what steps were being taken to harmonize the Migration and Aliens Act with the provisions of the Convention. The State party report indicated that migrants in an irregular situation were held in National Migration Institute centres for 24 to 48 hours; he wondered what happened once that period had elapsed. Were cases referred to a judicial authority, for example? He asked what measures had been taken to ensure that migrant workers and members of their families, particularly those in an irregular situation, had access to basic public services, such as health care and education, and could register births at civil registry offices. Lastly, he would like further detail on the situation of the Haitian migrants arrested near the Honduran border to whom he had referred in the previous meeting.

The meeting was suspended at 11.15 a.m. and resumed at 11.55 a.m.

26. **Mr. Carranza Discua** (Honduras) said that Honduras was facing an unprecedented crisis owing to widespread violence stemming from transnational and cross-border crime. The resources of national institutions were being stretched to their limit in the effort to tackle the poverty, violence and insecurity that plagued Honduran society and threatened the enjoyment and effective exercise of human rights in the country. For that reason, the Government had been forced to call upon the armed forces to reinforce internal security and bolster the civil police and security forces. The intervention of the armed forces was a temporary measure, instituted in accordance with the Constitution and in compliance with the State's human rights obligations. Every effort was being made to ensure that the members of the military involved received appropriate training on their human rights obligations. Any human rights violations committed by those forces were subject to impartial investigation and the perpetrators would be prosecuted in civil proceedings.

27. Temporary labour programmes had been established with other countries, most notably with Canada and Spain, with a view to enabling Honduran migrant workers to obtain employment overseas while simultaneously stemming the flow of uncontrolled, irregular migration and reducing poverty. Between 2007 and 2015, almost 600 Honduran migrants had benefited from such programmes, with most working in the food processing and agricultural industries; the total income earned by those workers amounted to almost US$ 16 million.

28. **Ms. Amador** (Honduras) said that the value of remittances from Hondurans living abroad had risen from US$ 440.6 million in 2000 to US$ 2.7 billion in 2015. Remittances had accounted for 18 per cent of the country's gross domestic product in 2015.

29. The National Plan to Combat Commercial Sexual Exploitation and Trafficking in Persons covered the period 2016-2022 and laid out a range of measures designed to prevent, combat and raise awareness of commercial sexual exploitation and trafficking; prosecute the perpetrators of those offences; and promote intersectoral coordination with a view to improving detection of cases and providing comprehensive support to victims. A variety of awareness-raising measures had been launched to sensitize the general public, and training was provided to public officials. Campaigns were also conducted in schools and universities and a public information website was being developed to further highlight the issues. Civil society organizations were involved in activities being carried out under the plan at the local level. Each year a report on the Government's efforts to combat trafficking

in persons was submitted to the United States Department of State, which then made recommendations for further action. The report and the recommendations were widely disseminated among government departments, civil society organizations and academic institutions with a view to improving cooperation and coordination on the issue.

30. **Ms. Ancheta Castro** (Honduras) said that, as of July 2016, the Ministry of Human Rights, Justice, the Interior and Decentralization had provided human rights training to almost 1,400 civil servants and 4,000 law enforcement personnel. The human rights syllabus for the armed forces had been reviewed, with technical assistance from the United Nations Development Programme and the International Committee of the Red Cross. A human rights procedures guide for the military police had also been produced, and a bill on the use of force had been drafted. In 2015 and 2016, training on human rights and on the use of force had been provided to some 16,000 armed forces personnel. Training on the prevention of torture and other cruel, inhuman or degrading treatment had also been provided.

31. The Office of the National Commissioner for Human Rights, the national human rights institution, maintained its independence and its own budget in accordance with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (Paris Principles). The Government had not been informed of why it had been downgraded to "B" status.

32. **Mr. Aguirre Córdova** (Honduras) said that all migrants in transit — including the Haitian migrants to which Mr. Tall had made reference — were issued with a permit on humanitarian grounds, which was free of charge and allowed them five days either to regularize their status in Honduras or to continue their onward journey. In the case of migrants who lacked identity documents and whose countries of origin did not have consular representation in Honduras, the National Migration Institute corroborated their information through diplomatic channels, after which they were granted a humanitarian permit. Their freedom of movement was not restricted while their permits were being processed.

33. Examples of the administrative sanctions imposed on migration officials for misconduct ranged from verbal warnings to suspension or dismissal. Migration officials could also be subject to criminal sanctions. Two employees of the National Migration Institute were currently in custody awaiting trial for the offence of trafficking in persons.

34. The National Migration Institute had developed a timeline for the formulation of a new migration law, which would pave the way for migrants in an irregular situation to be considered migrant workers and to bring the legislation fully in line with the Convention. OHCHR would assist the Government in drafting the legislation. Under the Constitution, foreign persons enjoyed the same civil rights as Honduran nationals. With that in mind, the National Migration Institute had drawn up a protocol, which incorporated a rights-based approach, concerning access to health care, education and other services for migrants in an irregular situation and members of their families.

35. **Mr. Villanueva** (Honduras) said that Honduran law provided for exceptions to the rules limiting the proportion of foreign workers that an employer could hire and the proportion of the employer's total wage bill that could be paid to those workers. For example, in situations where there were insufficient appropriately qualified or skilled personnel in the local labour market, an employer could hire additional foreign workers. Regarding gender equality, a recent decree had established the principle of equal pay for equal work. It was hoped that the measure, coupled with efforts to bring about changes in social attitudes, would improve the situation for many women workers.

36. The root causes of migration among indigenous peoples and Afro-Hondurans were generally the same as for other sectors of society: poverty, inequality and insecurity. In line

with the State's responsibilities under the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention No. 169 (1989), a bill had been drafted establishing a requirement for prior consultation in respect of any future administrative or legislative measures that might affect indigenous populations in Honduras. It was hoped that through greater consultation with, and participation of, indigenous peoples some of the reasons that might prompt them to migrate would be addressed.

37. **Ms. Medrano** (Honduras) said that the Ministry of Foreign Affairs channelled cases to the Public Prosecution Service in order to ensure access to justice for the families of Honduran migrant workers who had been the victims of crime abroad. In addition, Honduran consular officials assisted Hondurans abroad in filing complaints with the local authorities. She confirmed that it was possible for Hondurans who had temporary protected status in the United States to obtain permanent residence status. Efforts were under way to significantly reduce the duration of the overland journey of Honduran migrants returning from Mexico, which currently took as much as 24 hours. The Government had requested a change to the route, which would reduce the travel time to just eight hours. Field visits had confirmed the viability and security of the proposed new route, but the change would require the agreement of the Government of Guatemala, since the route traversed that country's borders.

38. In recognition of the crucial role of civil society in bringing about lasting change and development in Honduras and across the region, the Government of Honduras, which currently held the presidency pro tempore of the Regional Conference on Migration, had organized a workshop to promote the participation of civil society organizations from all the member countries of the Conference.

39. As to the procedure followed for migrants in holding centres after the expiration of the initial period of 24 to 48 hours, in the case of children and adolescents, an effort was made, in coordination with the United States immigration authorities, to identify family members in the United States who might act as potential guardians so that the child's immigration status in that country could be regularized. Contact was maintained with the child's family in Honduras throughout the process.

40. Lastly, there were numerous organizations and State entities that had developed migration-related projects and programmes. Funding was allocated from the Solidarity Fund for Honduran Migrants to fund those activities.

41. **Mr. Rizzo Alvarado** (Honduras) said that he wished to emphasize the commitment of Honduras to issues relating to migration in general and to the Convention in particular. He pointed out that, during its universal periodic review, Honduras had called on all States to ratify the Convention.

42. **Mr. Ceriani Cernadas** said that the Committee appreciated the complexity of the challenges faced by Honduras, and the region in general, with respect to migration. The root causes of migration were manifold and were themselves caused by a multitude of factors. Widespread violence, for example, had its roots in discrimination and inequality, among other phenomena. The Government's political will to bring about change and to improve the situation of migrant workers from and in Honduras was undeniable, and the Committee would endeavour to formulate a set of concluding observations that would assist it in doing so. The Committee stood ready to work with the Government in implementing its recommendations.

43. **Ms. Ladjel** said that she wished to thank the delegation for the rich and constructive dialogue. She had noted the Government's desire to improve the situation of migrants and hoped that it would redouble its efforts on the basis of the Committee's recommendations. Solutions to some of the challenges the country faced might be found through greater regional cooperation. The situation of unaccompanied migrant children was of particular

concern. She had high hopes that the State party would make progress in that area before the submission of its next periodic report.

44. **Mr. Carranza Discua** (Honduras), affirming his Government's commitment to the rights enshrined in the Convention, said that human migration should be viewed as an opportunity, since it contributed to the economic and social development of countries of destination, transit and origin. Migration had myriad causes, including poverty, violence and natural disasters. Durable solutions to the challenges associated with migration would therefore necessitate structural, institutional and cultural changes. Bringing about those changes would require the active participation of all sectors of society, coupled with international support. Only thus could Honduras achieve a future free of poverty, violence and insecurity.

The meeting rose at 12.55 p.m.